

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

FILED

OCT 29 2015

Clerk, U.S. District Court
District Of Montana
Great Falls

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Victor Manuel Saucedo,

Defendant.

CR-00-79-GF-BMM-01

**ORDER ADOPTING MAGISTRATE
JUDGE'S FINDINGS AND
RECOMMENDATIONS TO REVOKE
DEFENDANT'S SUPERVISED RELEASE**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on September 8, 2015. (Doc. 72.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on October 13, 2015. (Doc. 67.) Saucedo admitted that he violated conditions of his supervised release. The violations are serious and warrant revocation of Saucedo's supervised release.

Judge Johnston recommends that this Court revoke Saucedo's supervised release and that the Court sentence Saucedo to one (1) month imprisonment

followed by a term of supervised release of thirty-five (35) months. Judge Johnston recommends that a condition which requires Saucedo to spend 90 days in a residential reentry center if possible should be added to Saucedo's conditions for supervised release. (Doc. 72 at 6.)

Saucedo's criminal history category is IV, the current violation grade is a Grade C. Saucedo's underlying offenses consist of Class A and Class C felonies. According to the statutory range Saucedo could be incarcerated for up to 60 months on Count I and 24 months on Count II. Saucedo could be ordered to remain on supervised release for 60 months on Count I and 36 months on Count II, less any custody time imposed. The United States Sentencing Guidelines call for six to 12 months in custody.

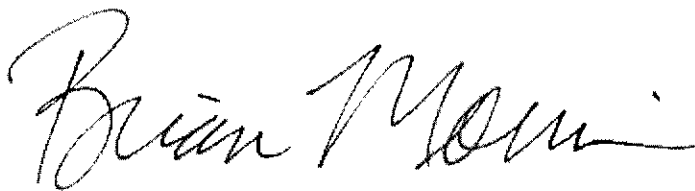
This Court finds no clear error in Judge Johnston's Findings and Recommendations. Saucedo's violations of his conditions are a serious breach of the Court's trust. A sentence of one (1) month imprisonment with a term of thirty-five (35) months of supervised release to follow is sufficient, but not greater than necessary. A condition which requires Saucedo to spend 90 days in a residential reentry center, if possible, should be added to Saucedo's special conditions of supervised release.

IT IS HEREBY ORDERED that Judge Johnston's Findings and Recommendations (Doc. 72) is **ADOPTED IN FULL. IT IS FURTHER**

ORDERED that Defendant Victor Manuel Saucedo shall be sentenced to **one (1)** month imprisonment followed by **(35) thirty-five months of supervised release.**

A condition which requires Saucedo to spend **90 ninety days** in a residential reentry center, if possible, should be added to Saucedo's special conditions of supervised release.

DATED this 29th day of October, 2015.

A handwritten signature in cursive script, reading "Brian Morris". The signature is written in black ink and is positioned above a horizontal line.

Brian Morris
United States District Court Judge